

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Susan Dean, Programs Manager 954-797-1042

PREPARED BY: Susan Dean, Programs Manager

SUBJECT: Amendment

AFFECTED DISTRICT: Town wide

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT MADE AND ENTERED INTO BY AND BETWEEN BROWARD COUNTY A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AND THE TOWN FOR COMMUNITY BUS TRANSPORTATION SERVICES DATED AUGUST 6, 2003. (\$350,000)

REPORT IN BRIEF: On September 17, Council passed the First Amendment to the Agreement that cancelled Davie's East "Green" Route" on October 31, and extended the West "Blue Route" until January 29, 2009. The county now wishes to extend the blue route for 90 days while the decision is being made as to whether the Community buses will charge a fee for service.

PREVIOUS ACTIONS: Interlocal Agreement dated August 6, 2006
Amendment One to the Interlocal Agreement

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: The total of \$450,000 has been allocated for both the green and the blue routes.

Account Name: Contractual Services

What account will funds be appropriated from: 001-0108-544-0306

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution; Agreement and Amendments are available upon request

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT MADE AND ENTERED INTO BY AND BETWEEN BROWARD COUNTY A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AND THE TOWN FOR COMMUNITY BUS TRANSPORTATION SERVICES DATED AUGUST 6, 2003.

WHEREAS, The Town of Davie entered into a Public Transportation Agreement for the leasing of wheelchair accessible passenger vehicles from the County, to be used for a three (3) year term with two (2) additional one (1) year period extensions; and,

WHEREAS, This Agreement expired on September 30, 2008; and,

WHEREAS. The parties entered into a First Amendment which extended the termination date of the Agreement for the Blue Route until January 29, 2009, and provided for the elimination of the Green Route on October 30, 2008 ; and,

WHEREAS, the First Amendment to the Agreement will expire on January 29, 2009, the County has extended the blue route from January 29, 2009 to June 29, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council hereby authorizes the Mayor or designee to execute an Agreement for a delay in the cancellation of the Blue Route

SECTION 2. This Resolution shall take effect immediately upon signing.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2009

MAYOR/COUNCIL
MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2009

SECOND AMENDMENT

to

AGREEMENT

between

BROWARD COUNTY

and

TOWN OF DAVIE

for

PUBLIC TRANSPORTATION SERVICES

SECOND AMENDMENT

to

AGREEMENT

between

BROWARD COUNTY

and

TOWN OF DAVIE

for

PUBLIC TRANSPORTATION SERVICES

This is a Second Amendment to the Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

TOWN OF DAVIE, a municipal corporation organized and existing under the laws of the state of Florida, its successors and assigns, hereinafter referred to as "TOWN."

WHEREAS, COUNTY and TOWN entered into a Public Transportation Agreement for the leasing of wheelchair accessible, passenger vehicles to be used in regular route service, for a three year term, with two (2) additional one (1) year period extensions; and

WHEREAS, the parties entered into a First Amendment which extended the termination date of the Agreement until January 29, 2009, and eliminated the "Green" Route, effective October 30, 2008; and

WHEREAS, the Agreement and the First Amendment shall be referred to collectively as the "Agreement"; and

WHEREAS, the parties desire to extend the termination date of the Agreement for an additional ninety (90) day period in order to allow COUNTY to work with the participating municipalities to develop a comprehensive fare system for Public Transportation Services; NOW, THEREFORE,

In consideration of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, COUNTY and TOWN agree as follows:

1. That the recitals set forth above are true and correct and made a part of this Amendment.
2. That Article 4 "Term and Time of Performance" is hereby amended to read as follows:
 - 4.1 The term of this Agreement shall begin on the date is fully executed by both parties and shall remain in effect through ~~January 29, 2009~~ April 29, 2009. If the term of this Agreement extends beyond a single fiscal year of COUNTY, the continuation of this Agreement beyond the end of any fiscal year shall be subject to the availability of funds from COUNTY in accordance with Chapter 129, Florida Statutes.
3. Except as otherwise set forth herein, the terms and conditions of the Agreement shall remain unchanged and in full force and effect between the parties.

(INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties have made and executed this Second Amendment to the Public Transportation Services Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its County Administrator or designee, authorized to execute same by Board action on the 6th day of January, 2009, and TOWN OF DAVIE, signing by and through its _____, duly authorized to execute same.

COUNTY:

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY

COMMISSIONERS

County Administrator and
Ex-Officio Clerk of the Board
of County Commissioners of
Broward County, Florida

By _____
County Administrator

____ day of _____, 20____.

Approved as to Insurance
Requirements by Risk
Management Division

Attorney

By _____

Attorney

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County

Governmental Center, Room 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By

Sharon V. Thorsen
Senior Assistant County

SECOND AMENDMENT TO AGREEMENT BETWEEN BROWARD COUNTY AND
TOWN OF DAVIE FOR PUBLIC TRANSPORTATION SERVICES

TOWN:

ATTEST:

TOWN OF DAVIE

By _____
Town Clerk

_____, 20____. _____ day of _____.

APPROVED AS TO FORM: _____

Town Attorney

[illegible]

The foregoing instrument was acknowledged before me, the undersigned notary public in and for the state of Florida, on this the ____ day of _____, 2009, by _____ and _____, the Mayor and Town Clerk, respectively.

Notary Public